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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 09/806,548 | 08/13/2001 | Katherine Louise Angus | GJE-63 | 1131 |

23557 7590 07/29/2003

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EXAMINER

NAFF, DAVID M

ART UNIT

PAPER NUMBER

1651

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806548

Applicant(s)

Angus Lee

Examiner

N. Lee

Group Art Unit

1651

The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 5/14/03
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-11, 15-18 + 20-22 is/are pending in the application.
- ☐ Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-11, 15-18 + 20-22 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- Notice of Draftsperson's Patent Drawing Review, PTO-948.
- is ☐ approved ☐ disapproved.
- Examiner.

- ☐ The proposed
- ☐ The drawing(s) filed on
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number)
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received:

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s).
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other

Office Action Summary

Part of Paper No. 9

The amendment of 5/16/03 canceled claims 12-14 and 19, amended claims 1, 5, 15 and 18, and added new claims 21 and 22.

Claims examined on the merits are 1-11, 15-18 and 20-22 which are all claims in the application.

5 The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

10 Claim 1-11, 15-18 and 20-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are confusing and unclear by claim 1 requiring a cellulosic sponge material and claim 5 requiring the sponge material to a polymer made of cellulose or agarose. If the sponge material can be made 15 of agarose, the meaning and scope of "cellulosic" in claim 1 is uncertain since the normal meaning of cellulosic requires cellulose.

Claim 5 is confusing and unclear by requiring the polymer of the sponge material to be cellulose or agarose since claim 1 limits the polymer to cellulose by requiring a "cellulosic" sponge material.

20 **Response to Arguments**

Applicants state that the specification discloses that cellulosic sponge material is typically a naturally-occurring polymer such as cellulose or agarose. However, a cellulosic sponge cannot be made from agarose since "cellulosic" requires the sponge to be made from cellulose.

25 See enclosed page 220 from Webster's Ninth New Collegiate Dictionary

defining "cellulosic" as related to or made from cellulose. Agarose is not cellulose, and a cellulosic sponge cannot be made from agarose. The specification may not define terms in a way that is contrary to their known and accepted definition so as to be misleading and result in

5 confusion as to the invention claimed. Since a cellulosic sponge has to be made of cellulose, claim 5 does not further limit claim 1 when the polymer is cellulose, and requiring agarose as the polymer broadens claim 1 to include a material other than cellulose. A dependent claims must further limit the claim on which it depends.

10 If the sponge material is intended to be made of cellulose or agarose, the following amendments are suggested to overcome the above rejection.

Claim 1,

line 2 cancel "cellulosic", and after "material" insert -- made from
15 cellulose or agarose --,

line 4, after "material" insert -- made from cellulose or agarose --

Claim 5, limit the claim to only cellulose or agarose and delete the
20 other, and in an added dependent claim, claim the one deleted.

The claims are free of the prior art.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set
25 to expire THREE MONTHS from the mailing date of this action. In the

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Art Unit: 1651

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event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed,
5 and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications
10 from the examiner should be directed to David M. Naff whose telephone number is (703) 308-0520. The examiner can normally be reached on Monday-Thursday and every other Friday from about 8:30 AM to about 6:00 PM.

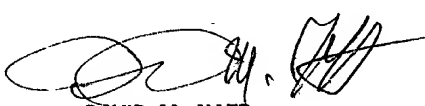
If attempts to reach the examiner by telephone are unsuccessful, a
15 message can be left on voice mail.

examiner's supervisor, Mike Wityshyn, can be reached at telephone number (703) 308-4743.

The fax phone number is (703) 872-9306 before final rejection or
20 (703) 872-9307 after final rejection.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

25 DMN
7/28/03


DAVID M. NAFF
PRIMARY EXAMINER
ART UNIT 12657